

**B O I E S , S C H I L L E R & F L E X N E R L L P**

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September 20, 2013

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Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation*,  
Case No. 07-cv-5944-SC (N.D. Cal.)

Dear Counsel:

This letter follows up on the plaintiffs' August 7, 2013 meet and confer with Samsung SDI regarding production of the unpublished European Commission opinion, pertaining to the EC's fine of your clients and other conspirators for involvement in the CRT cartels.

Following the meet and confer, counsel for Samsung SDI sent an EC letter from the *In re Air Cargo Shipping Services Antitrust Litigation* case, which the plaintiffs discussed in our meet and confer with Samsung SDI. We acknowledge the contents of that letter, but our position regarding the defendants' obligations is unchanged. The EC's opinion regarding the CRT conspiracy falls squarely within the plaintiffs' discovery requests, which specifically called for "[a]ll Documents relating to . . . or received from . . . the European Commission . . . ." See DPPs' Second Set of Requests for Production, Request 34. Moreover, as the EC fined Samsung SDI for its participation in a "worldwide" CRT conspiracy, the requested EC opinion is directly relevant to the plaintiffs' claims in this action. See European Commission, "Antitrust: Commission fines producers of TV and computer monitor tubes € 1.47 billion for two decade-long cartels" (Dec. 5, 2012), available at [http://europa.eu/rapid/press-release\\_IP-12-1317\\_en.htm](http://europa.eu/rapid/press-release_IP-12-1317_en.htm). As such, the defendants are required to produce this letter. If the EC chooses to take the same position in this litigation that it took in *Air Cargo*, we can litigate the issue before Judge Conti when appropriate. It has been, however, nine months since the EC issued its decision and we have seen nothing regarding a public version.

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Counsel

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Counsel's previous letter was addressed only to Samsung SDI. We direct this letter to all of the parties to the *In re CRT* case who were parties to the European proceeding. Please produce the opinion we are requesting, in response to our discovery, or let us know if we are at impasse.

Sincerely,

*/s/ Philip J. Iovieno*

Philip J. Iovieno

*Liaison Counsel for the Direct  
Action Plaintiffs*

cc: Direct Purchaser Plaintiffs' Counsel  
Indirect Purchaser Plaintiffs' Counsel